

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PAUL NASEMAN,

Plaintiff,

Case No. 19-cv-11796  
Hon. Matthew F. Leitman

v.

JEFFREY TANNER,

Defendant.

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**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT  
AND RECOMMENDATION (ECF No. 24); (2) DISMISSING COMPLAINT  
(ECF No. 1) WITH PREJUDICE; AND (3) TERMINATING DEFENDANT’S  
MOTION FOR SUMMARY JUDGMENT (ECF No. 20) AS MOOT**

On June 17, 2019, Plaintiff Paul Naseman filed this *pro se* civil-rights Complaint against Defendant Jeffrey Tanner. (*See* Compl., ECF No. 1.) Naseman’s claims arise out of an injury that he suffered while he was incarcerated at the Gus Harrison Correctional Facility. (*See id.*)

On December 16, 2019, Tanner filed a motion for summary judgment based on Naseman’s alleged failure to exhaust his administrative remedies. (*See* Mot., ECF No. 20.) Naseman did not file a response to the motion. On January 3, 2020, the assigned Magistrate Judge issued an order requiring Naseman to file a response by February 18, 2020. (*See* Order, ECF No. 22.) The Magistrate Judge warned Naseman that the “[f]ailure to file a response may result in sanctions, including

granting all or part of the relief requested by [Tanner].” (*Id.*, PageID.191.) Naseman did not file a response as directed. The Magistrate thereafter issued an order to show cause in which he ordered Naseman to show cause why his (Naseman’s) Complaint should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b). (*See* Order, ECF No. 193.) The Magistrate directed Naseman to respond, in writing, by March 27, 2020. (*See id.*, PageID.193.) The Magistrate then told Naseman that if Naseman failed to respond as directed, the Magistrate would recommend that the Court dismiss Naseman’s Complaint. (*See id.*, PageID.194.)

Naseman did not respond to the show cause order. Accordingly, the Magistrate Judge issued a report and recommendation on April 14, 2020, in which the Magistrate recommended that the Court (1) dismiss Naseman’s Complaint with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and (2) terminate Tanner’s pending motion for summary judgment as moot (the “R&R”). (*See* R&R, ECF No. 24.) At the conclusion of the R&R, the Magistrate informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.201-202.)

Naseman has not filed any objections to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). In addition, the failure to file objections

to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Because Naseman has not filed any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommendation to dismiss Naseman's Complaint with prejudice and to terminate Tanner's motion for summary judgment as moot is **ADOPTED**. The Court concludes that dismissal with prejudice is appropriate for the reasons stated in the R&R.

**IT IS FURTHER ORDERED** that (1) the Naseman's Complaint (ECF No. 1) is **DISMISSED WITH PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and (2) Tanner's motion for summary judgment (ECF No. 20) is **TERMINATED AS MOOT**.

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: July 8, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 8, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda  
Case Manager  
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